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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/599,274
Filing Date	June 22, 2000
First Named Inventor	Garrill
Examiner Name	J. Foster
Group Art Unit	3728
Attorney Docket No.	PG4114

TOTAL AMOUNT OF PAYMENT

\$110.00

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

07-1392

Deposit  
Account  
Name

GlaxoSmithKline

- ☒ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR § 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$) Code (\$) Code (\$)

101 710 201 355 Utility filing fee

106 320 206 160 Design filing fee

107 490 207 245 Plant filing fee

108 710 208 355 Reissue filing fee

114 150 214 75 Provisional filing fee

Fee Paid

SUBTOTAL (1)

### 2. EXTRA CLAIM FEES

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** = 0	X	0.00
Independent Claims	-3** = 0	X	0.00
Multiple Dependent			

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$) Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 80 202 40 Independent claims in excess of 3

104 270 204 135 Multiple dependent claim, if not paid

109 80 209 40 \*\* Reissue independent claims  
over original patent

110 18 210 9 \*\* Reissue claims in excess of 20  
and over original patent

SUBTOTAL (2)

\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Fee Fee Fee  
Code (\$) Code (\$) Code (\$) Code (\$)

Fee Description

Fee Paid

105 130 205 65 Surcharge - late filing fee or oath

127 50 227 25 Surcharge - late provisional filing fee or cover  
sheet

139 130 139 130 Non - English specification

147 2,520 147 2,520 For filing a request for *ex parte* reexamination

112 920\* 112 920\* Requesting publication of SIR prior to Examiner  
action

113 1,840\* 113 1,840\* Requesting publication of SIR after Examiner  
action

115 110 215 55 Extension for reply within first month

116 390 216 195 Extension for reply within second month

117 890 217 445 Extension for reply within third month

118 1,390 218 695 Extension for reply within fourth month

128 1,890 228 945 Extension for reply within fifth month

119 310 219 155 Notice of Appeal

120 310 220 155 Filing a brief in support of an appeal

121 270 221 135 Request for oral hearing

138 1,510 138 1,510 Petition to institute a public use proceeding

140 110 240 55 Petition to revive - unavoidable

141 1,240 241 620 Petition to revive - unintentional

142 1,240 242 620 Utility issue fee (or reissue)

143 440 243 220 Design issue fee

144 600 244 300 Plant issue fee

122 130 122 130 Petitions to the Commissioner

123 50 123 50 Processing fee under 37 CFR § 1.127(q)

126 180 126 180 Submission of Information Disclosure  
Statement

581 40 581 40 Recording each patent assignment per property  
(times number of properties)

146 710 246 355 Filing a submission after final rejection  
(37 CFR § 1.129(a))

149 710 249 355 For each additional invention to be examined  
(37 CFR § 1.129(b))

179 710 279 355 Request for Continued Examination (RCE)

169 900 169 900 Request for expedited examination  
of a design application

Other fee (specify) Terminal Disclaimer Fee under 37 CFR 1.20(d)

110.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$110.00

## SUBMITTED BY

Name (Print/Type)

Christopher P. Rogers

Registration No.  
(Attorney/Agent)

36,334

## Complete (if applicable)

Telephone

(919) 483-1240

Signature

*Christopher P. Rogers*

Date

3 August 2001

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A



**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
**PG4114**

In re Application of: **Garrill et al.**

Application No.: **09/599,274**

Filed: **June 22, 2000**

For: **METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG**

The owner\*, **SmithKline Beecham**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U. S. C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,119,853**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

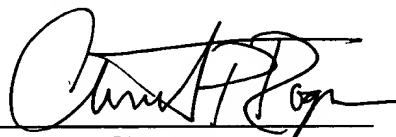
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature

**3 August 2001**

Date

**Christopher P. Rogers**

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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